

AMENDED IN ASSEMBLY MAY 12, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 786

Introduced by Assembly Member Daucher

February 20, 2003

An act to add *and repeal* Chapter 14 (commencing with Section 15800) ~~to~~ of Part 3 of Division 9 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 786, as amended, Daucher. San Mateo County: home care assessment pilot project.

Existing law provides a variety of programs to serve older persons and persons with disabilities that allow these individuals to live in their own homes and still receive necessary services. Under existing law, these programs include the Multipurpose Senior Services Program, the In-Home Supportive Services program, adult day health care programs, and adult day programs.

This bill would require the County of San Mateo to adopt the Minimum Data Set-Home Care (MDS-HC) assessment instrument, *as defined*, for use, *until December 31, 2008*, by the above home- and community-based programs, thereby imposing a state-mandated local program. The bill would require the Long-Term Care Council in the California Health and Human Services Agency to coordinate with the county to eliminate or reduce the need for parallel reporting requirements, as specified.

This bill would require the county to seek funding for an evaluation of the use of the MDS-HC *assessment instrument* by an independent

research organization, *and would require the results of the evaluation to be reported to the Legislature on or before May 31, 2009.* The bill would provide that state funds shall not be appropriated for its purposes, and would require the county to implement the bill only to the extent that the county receives federal or private funds for that purpose. *The bill would also provide that its provisions would become inoperative on July 1, 2009.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) In California, several home- and community-based
4 programs enable older persons and persons with disabilities to live
5 in their homes rather than in nursing homes. Each of these
6 programs uses a separate assessment instrument to determine the
7 client's functional abilities and the types of supportive services
8 that will best enable the client to maintain self sufficiency.

9 (2) Aggregate long-term care data collected at the state level is
10 seriously flawed, as a result of differences in the types of data
11 collected and inconsistencies in the definition of specific data
12 elements among programs.

13 (3) Due to the use of different assessment instruments, it is not
14 possible to compare long-term care data for residents of nursing
15 homes, clients served by a home health agency, or participants in
16 home- and community-based programs, such as the In-Home
17 Supportive Services program, the Multipurpose Senior Services
18 Program, adult day programs, and adult day health care programs.

19 (4) The process of providing appropriate care at the least
20 restrictive level is based on a high quality assessment of the care
21 and service needs of the individual, the availability of all
22 components of the mix of necessary care or services within a



geographic area, and the ability to fund payment for the care or service, either through government or private means.

(5) The Minimum Data Set-Home Care (MDS-HC) is a uniform assessment instrument that shares a common language with Minimum Data Set (MDS) for nursing facilities and the Outcome and Assessment Information Set (OASIS) instrument used by home health agencies. This assessment instrument is oriented to obtaining specific information about the client's functional abilities and needs.

(b) Therefore, it is the intent of the Legislature in enacting this act to do all of the following:

(1) Test the efficacy of a uniform, automated screening and eligibility assessment tool for all persons accessing long-term care services in a specific geographic area.

(2) Ensure the use of an assessment instrument that recognizes that many older and disabled people have both health care and social care needs, which will be provided from a number of sources and funding streams.

(3) Enable agencies to work together so that assessment and subsequent care planning are person-centered, effective, and coordinated.

(4) Ensure that agencies and programs do not duplicate each other's assessments and that the data collected are consistent. A uniform assessment tool can guide both clinical management and policy decisionmaking processes, so that health and community programs can serve the right person, in the right setting, at the right time.

(5) Evaluate the potential adoption of the MDS-HC statewide to improve planning, funding, and service delivery.

SEC. 2. Chapter 14 (commencing with Section 15800) is added to Part 3 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 14. HOME CARE ASSESSMENT PILOT PROJECT

15800. (a) The County of San Mateo shall adopt the use of the Minimum Data Set-Home Care (MDS-HC) ~~for use assessment instrument for use, until December 31, 2008,~~ by all home- and community-based programs within the county that serve elderly and disabled persons with the primary goal of enabling them to

1 continue to live in their homes as independently as possible. These
2 programs shall include the Multipurpose Senior Services
3 Program, the In-Home Supportive Services program, adult day
4 health care programs, and adult day programs.

5 *(b) For purposes of this chapter, the "Minimum Data Set-Home*
6 *Care (MDS-HC) assessment instrument" means a uniform*
7 *assessment instrument that shares a common language with*
8 *Minimum Data Set (MDS) for nursing facilities and the Outcome*
9 *and Assessment Information Set (OASIS) instrument used by home*
10 *health agencies, and that is oriented to obtaining specific*
11 *information about the client's functional abilities and needs.*

12 15801. The Long Term Care Council established pursuant to
13 Section 12803.2 of the Government Code shall coordinate with the
14 county to eliminate or reduce the need for parallel reporting
15 requirements in order to fulfill the data requirements of this
16 chapter.

17 15802. The use of the MDS-HC assessment instrument
18 pursuant to this chapter shall be phased in to ensure that program
19 staff are adequately trained in the use of the instrument.

20 15803. (a) The county shall seek funding for the evaluation
21 of the use of the MDS-HC assessment instrument by an
22 independent research organization. The results of the evaluation
23 shall be reported to the Legislature *on or before May 31, 2009.*

24 (b) State funds shall not be appropriated for purposes of this
25 ~~section~~ *chapter*. The county shall only be required to implement
26 this chapter to the extent that the county receives federal or private
27 funds for that purpose.

28 **SEC. 3.—**

29 *15804. This chapter shall become inoperative on July 1, 2009,*
30 *and as of January 1, 2010, is repealed, unless a later enacted*
31 *statute, that becomes operative on or before January 1, 2010,*
32 *deletes or extends the dates on which it becomes inoperative and*
33 *is repealed.*

34 **SEC. 3.** *Due to the unique circumstances concerning the*
35 *County of San Mateo, the Legislature finds and declares that a*
36 *general statute cannot be made applicable within the meaning of*
37 *Section 16 of Article IV of the California Constitution. Therefore,*
38 *this act is necessarily applicable only to the County of San Mateo.*

39 **SEC. 4.** No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district are the result of a program for which legislative authority
3 was requested by that local agency or school district, within the
4 meaning of Section 17556 of the Government Code and Section
5 6 of Article XIII B of the California Constitution.

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